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# A BILL FOR AN ACT

RELATING TO CRIME.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. Section 706-606.5, Hawaii Revised Statutes, is  
2 amended by amending subsection (4) to read as follows:

3 "(4) Notwithstanding any other law to the contrary, any  
4 person convicted of any of the following misdemeanor offenses:

5 (a) Section 707-712 relating to assault in the third  
6 degree;

7 (b) Section 707-717 relating to terroristic threatening in  
8 the second degree; and

9 (c) Section 707-733 relating to sexual assault in the  
10 fourth degree[+],

11 [~~(d) Section 708-822 relating to criminal property damage~~  
12 ~~in the third degree,~~

13 ~~(e) Section 708-832 relating to theft in the third degree,~~  
14 ~~and~~

15 ~~(f) Section 708-833.5(2) relating to misdemeanor~~  
16 ~~shoplifting,~~

17 and who has been convicted of any of the offenses enumerated  
18 above on at least three prior and separate occasions within



1 three years of the date of the commission of the present  
2 offense, shall be sentenced to no less than nine months of  
3 imprisonment. Whenever a court sentences a defendant under this  
4 subsection for an offense under section 707-733, the court shall  
5 order the defendant to participate in a sex offender assessment  
6 and, if recommended based on the assessment, participate in the  
7 sex offender treatment program established by chapter 353E."

8 SECTION 2. Section 708-803, Hawaii Revised Statutes, is  
9 amended by amending subsection (4) to read as follows:

10 "(4) For a conviction under this section, the sentence  
11 shall be either:

12 (a) [~~An indeterminate~~] A mandatory minimum term of  
13 imprisonment of [~~five years;~~] one year; or

14 (b) A term of probation of five years, with conditions to  
15 include but not be limited to one year of  
16 imprisonment."

17 SECTION 3. This Act does not affect rights and duties that  
18 matured, penalties that were incurred, and proceedings that were  
19 begun before its effective date.

20 SECTION 4. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.

22 SECTION 5. This Act shall take effect upon its approval.



**Report Title:**

Habitual Property Crime

**Description:**

Establishes as a sentencing option a mandatory minimum term of imprisonment of one year upon the conviction of the offense of habitual property crime. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

